IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 26TH NOVEMBER 2007 / 5TH AGRAHAYANA 1929

WP(C).No. 27442 of 2004(P)

PETITIONERS:

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1. P.K.NARENDRANATHAN,
RETIRED PRINCIPAL, TRAINING CENTRE,
KERALA CO-OPERATIVE MILK MARKETING FEDERATION LTD.
EDAPPALLY, KOCHI-24,NOW RESIDING AT PANDARIKKAL
HOUSE, P.O. KILAKKUMURI, PERINGOTTUKARA,
THRISSUR-680 571.

2. P.K.ABDUL AZIZ,
RETIRED MANAING DIRECTOR, MALABAR REGIONAL MILK
PRODUCERS UNION, KOZHIKODE, NOW RESIDING AT
P.O. HOUSE, FRANCIS ROAD, KOZHIKODE-I.

3. U.N.PARTHAN,
RETIRED MANAGER,KERALA CO-OPERATIVE MILK MARKETING
FEDERATION LTD., KOZHIKODE DAIRY, NOW RESIDING AT
5/399, "AAYILLIAM", KAVILADATH, P.O.CIVIL STATION,
KOZHIKODE-673 020.

4. JACOB VARGHESE,
RETIRED MANAGER (MARKETING), KERALA CO-OPERATIVE
MILK MARKETING FEDERATION LTD.,THIRUVANANTHAPURAM,
NOW RESIDING AT T.C.11/907, NALANDA JUNCTION,
NANTHANCODE, THIRUVANANTHAPURAM-695 003.

5. N.JANARDHANAN PILLAI,
RETIRED MANAGER,KERALA CO-OPERATIVE MILK MARKETING
FEDERATION LTD., KOLLAM, NOW RESIDING AT MANNOOR
HOUSE, VADAKKEDATHUKAVU P.O., ADOOR-601 529.

6. P.P.PAPPACHAN,
RETIRED MANAGING DIRECTOR, ERNAKULAM REGIONAL
CO-OPERATIVE MILK PRODUCERS UNION, ERNAKULAM,
NOW RESIDING AT PARAVATIL HOUSE, KARIYAD P.O.,
MEKAD, ALUVA-683 589.

7. P.JAYADEVAN,
RETIRED ASISTANT PERSONNEL OFFICER, KERALA CO-OP. MILK MARKETING FEDERATION LTD., ALAPPUZHA, NOW RESIDING AT MANIMANGALAM, PUNNAPRA P.O., ALAPPUZHA, PIN-688 004.

***8. M.K. MADHAVI, W/O. LATE P.K. NARENDRANATHAN,**
AGED 65 YRS, RESIDING AT PANDARIKKAL HOUSE, P.O. KILAKKUMURI, PERINGOTTUKARA, THRISSUR- 680571.

***ADDL.P8 IS IMPLEADED AS PER ORDER DATED 09/08/2007 IN IA NO. 17298/2005.**

BY ADV. SRI.K.JAJU BABU
SMT.M.U.VIJAYALAKSHMI

RESPONDENTS:

STATE OF KERALA,
REP. BY PRINCIPAL SECRETARY TO GOVERNMENT, AGRICULTURE DEPARTMENT, GOVERNMENT SECRETARIAT, TRIVANDRUM.

BY GOVERNMENT PLEADER SRI. ANU SIVARAMAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/11/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 27442/2004 P

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE JUDGMENT DT. 14/12/94 IN OP NO. 9737/91 OF THIS COURT.

EXT.P2. COPY OF THE GO RT NO. 1138/2002/AD/ DT. 20/09/02 BY THE GOVT.

EXT.P3. COPY OF THE REPRESENTATION DT. 20/11/03 FILED BY THE PETITIONERS WITH THE GOVT.

EXT.P4. COPY OF THE ORDER NO. 33113/D1/03/AD DT. 13/3/04 BY THE GOVT.

RESPONDENT'S EXHIBITS NIL.

True copy

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KURIAN JOSEPH J.

Writ Petition (Civil) No.27442 of 2004

Dated 26th November, 2007.

J U D G M E N T

The writ petition is filed mainly with the following prayers :-

> (i) "Issue a writ of certiorari or other appropriate writ, order or direction, calling for Ext.P4 and quash the same;
>
> (ii) Issue a writ of mandamus or other appropriate writ, order or direction directing the respondents to sanction and disburse the revised pensionary benefits in respect of the petitioners taking into account 5 years weightage also as provided under Rule 56(vii) of Part III K.S.R. as done in Ext.P2 forthwith."

Ext.P4 order is passed on Ext.P3 representation filed by the petitioners. The said representation is filed claiming the benefit of weightage. Strong reliance is placed on Ext.P1 judgment. It is seen from Ext.P1 judgment that there is reference to a similarly situated person, Sri.K.P.Padmanabha Kurup. It is submitted that given an opportunity for hearing, the petitioners will be in a position to substantiate before the Government that in view of Ext.P1 judgment, they are entitled to succeed and get the benefits already granted to Sri.K.P.Padmanabha Kurup. I quash Ext.P4. There will be a direction to the respondent to pass fresh orders on Ext.P3 with notice to the petitioners and adverting to

the contentions taken by them, centering round on Ext.P1 and any other relevant materials. The needful shall be done within four months from the date of production of a copy of the judgment.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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